IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.23803 of 2004

Between:

1 Ch. V.M. Krishna, S/o Bullebbai, Hindu,
r/o Chinnaveedhi, Vedurumudi Gram Panchayat, Kapileswarapuram

Mandal, East Godavari District.
2 Ch.V.V. Narasimha Rao, S/o Bullebbai, Hindu,
r/o Chinnaveedhi, Vedurumudi Gram Panchayat, Kapileswarapuram

Mandal, East Godavari District.

..... PETITIONERS

AND

1 The District Collector (Panchayat Wing), East Godavari District at

Kakinada.
2 The District Panchayat Officer, East Godavari District at Kakinada.
3 The Executive Engineer (R & B), Kakinada, East Godavari District .
4 Gram Panchayat, Vedurumudi Gram Panchayat,
rep. by its Panchayat Secretary, Vedurumudi (V), Kapileswarapuram

Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not cancelling the impugned resolution dt. 8-11-2004 passed by the 4th respondent which is against the interests of residents of Chinnaveedhi street of Vedurumudi village of Kapileswarapuram Mandal, E.G. District, by considering the representation dt. 25-11-2004 made by the residents of Chinnaveedhi Street of Vedurumudi village as illegal, arbitrary and violative of principles of natural justice and for a consequential order directing the respondents not to implement the resolution dt. 8-11-2004 passed by the 4th respondent and cancel the same forthwith.

Counsel for the Petitioners: MR. CH. DHANAMJAYA

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

Counsel for the Respondent No.4: Mr. D. Srinivas

The Court, at the admission stage, made the following:

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ORDER:

The main grievance of the petitioners is that when the 4th respondent-Gram Panchayat passed a resolution on 08.11.2004 to hand over the Chinna Veedhi Panchayat road to Roads and Buildings Department, they made representations dated 16.11.2004 and 25.11.2004 to the respondents 1 to 3 to cancel the said resolution. But, no action is being taken so far. Hence, they filed the present writ petition.

Heard the learned counsel for petitioners, learned Government Pleader for Panchayat Raj and Rural Development and learned counsel for 4th respondent.

Having regard to the fact that the 4th respondent-Gram Panchayat, after taking into consideration of all the aspects, has passed the impugned resolution to hand over the Chinna Veedhi Panchayat road to the Roads and Buildings Department for better amenities, the petitioners cannot take any objection in the matter. Hence, the relief sought by the petitioners in this writ petition cannot be granted by this Court in exercise of the jurisdiction under Article 226 of the Constitution of India. The writ petition is devoid of merit, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 21.12.2004

Nsr/Mrr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector (Panchayat Wing), East Godavari District at Kakinada.
2 The District Panchayat Officer, East Godavari District at Kakinada.
3 The Executive Engineer (R & B), Kakinada, East Godavari District.

4 The Panchayat Secretary, Gram Panchayat, Vedurumudi Gram Panchayat, Vedurumudi (V), Kapileswarapuram Mandal, East Godavari District.

5 Two CCs to GP for Panchayat Raj and Rural Development, High Court of AP, Hyderabad (OUT)

6 Two CD copies.